

MINUTES
TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
Milliken Community Complex
July 26, 2006
7:00 p.m.

Board Trustees present: Mayor Linda Measner, Mayor Pro Tem Janie Lichtfuss, Gary Frank, Milt Tokunaga, Julie Cozad and Peggy Wakeman.

Board Trustee absent: Ted Chavez

Staff present: Town Attorney Bruce Fickel, Police Chief and Co-Interim Administrator Jim Burack, Public Works Director and Co-Interim Administrator Mike Woodruff, Town Clerk Kari Redman-Gutierrez, Finance Director Diana Vasquez, and Town Planner Danna Ortiz.

Public Hearing

New Liquor License for Buffalo Spirit

Co-Interim Town Administrator stated Buffalo Sprit Restaurant had applied for a liquor license and that the liquor license for the Buffalo Spirit was in compliance. All of the proper notices had posted the proper signage noting the public hearing for the liquor license.

JoAnn Kilgore, owner-manager, 2342 Birdie Drive, Milliken, CO indicated that they had filed all the proper license papers, had been inspected by the State Department of Revenue and had posted the Notice of Public Hearing in a window of their establishment. A discussion followed regarding the parking spaces for the restaurant and if there were enough as per code for a restaurant business. It was determined that the application of the new liquor license had not triggered a review of the adequacy of parking.

Gray O 26-3, 26-5, 26-19 Wells Use by Special Review

Town Planner Danna Ortiz described the wells to be located approximately half an acre in the northwest ¼ of the northwest ¼ of Section 26, Township 4 North, Range 67 West, of the 6th P.M. on the Platte Trust property. Approximately three acres will initially be disturbed. The site is located approximately 1/10 of a mile east of the intersection of Weld County Roads 21 and 42 near the Wildcat Mound.

Carl Richard, President of Key Business Ventures, 9581 Cedarhurst Lane Unite A, Highlands Ranch, CO 80129, representing Noble Energy Production, Inc. was present to answer any questions.

Staff and Planning Commissioners recommended approval of the Oil and Gas Conditional Use Permit Application with the following conditions:

1. The applicant shall submit an inspection fee of \$400 per well for each year.
2. Noble will reseed the site with a native seed mix as necessary to reestablish

- vegetation and to rehabilitate the disturbed surface lands.
3. Any waste that is directly disturbed by Noble during its operations shall be disposed of in accordance with local, State and federal laws.

No one from the public had any comments.

Stroh O 2-17 Well Use by Special Review

Town Planner Danna Ortiz stated the proposed well will be located in irrigated crop land in the southwest ¼ of the northeast ¼ of Section 2, Township 4 North, Range 67 West of the 6th P.M. on the Western Equipment and Truck (a.k.a. Sparrow) property, on the same pad as the Stroh O 2-7 well approved in January. The site is northeast of the intersection of Highway 257 and Highway 60. The proposed well will access via highway 257 and Weld County Road 52.

Carl Richard, President of Key Business Ventures, 9581 Cedarhurst Lane Unite A, Highlands Ranch, CO 80129, representing Noble Energy Production, Inc. was present to answer any questions.

Staff and Planning Commissioners recommend approval of the Oil and Gas Conditional Use Permit Application with the following conditions

1. The applicant shall submit an inspection fee of \$400 per well for each year.
2. Noble will reseed the site with a native seed mix as necessary to reestablish vegetation and to rehabilitate the disturbed surface lands.
3. Noble will obtain a flood hazard development permit from the Town Engineer.

No one from the public had any comments.

Public Hearing was closed.

REGULAR MEETING

Mayor Measner called the regular meeting to order at 7:35p.m.

PLEDGE OF ALLEGIANCE

Mayor Measner led the audience in the Pledge of Allegiance.

ADDITIONS/CHANGES TO THE AGENDA

Co-Interim Administrator Mike Woodruff removed item "C" Metro District Financial Review from the Agenda. He moved item "D", 2005 Audit Report from the Consent Agenda to the Action Agenda and added item "H" Approval of Contract for Highway 60 Sidewalk Project and Item "I", Agreement between the Town of Milliken and for Wastewater Treatment and Disposal.

Trustee Peggy Wakeman moved to approve removing item "C", the moving of item "D" to the Action Agenda and adding items "H" and "I" to the Action Agenda. Trustee Gary Frank seconded the motion.

Jim Gardner, Milliken Liquors, 960 Broad Street, Milliken, CO asked to be put on the Action Agenda regarding the streetscaping in front of his business, and that he wanted to be heard by the Board before Public Works did any work in front of his business. He commented that the Town should have more actively engaged Broad Street businesses in the planning and implementation of the streetscape project.

Trustee Cozad asked that he prepare a summary of what he would like to discuss before the Board in a timely manner so that the Board can be more prepared to answer his concerns.

Mr. Gardner stated that he just wanted to be heard and that he and Public Works Director will meet in the morning to finalize the streetscaping in front of his business property on Broad Street.

REPORTS FROM BOARD MEMBERS REGARDING OTHER MEETINGS

Mayor ProTem Lichtfuss reported that she and Finance Director, Diana Vasquez attended the quarterly Upstate Colorado Economic Development at the Mad Russian. She stated that there are three entities that look into economic development so we are not alone in the process.

Mayor ProTem Lichtfuss stated that the Milliken Housing Authority members had the chosen the shingles for the Dove Valley project. She also said the applications for occupancy will be available August 29, 2006 but the important thing is not when you get the application but how soon it is filled out and returned. The first unit should be done and ready for occupancy by October.

Trustee Julie Cozad reported that the Open Space and Trail committee have met with the landscape architect. They want to complete the trails from Alice Avenue to the pool and between Johnstown and Milliken this year.

Trustee Cozad attended a subcommittee meeting to review the Agreement with FRMPO and CDOT to make sure they are all working together. She reminded everyone that the next MPO meeting would be held at Berthoud's Community Center on August 3, 2006 at 6:00 p.m. The Public is invited to attend.

CONSENT AGENDA

Approval of Final List of Bills for July 26, 2006

Trustee Wakeman moved to approve the Final List of Bills for July 26, 2006. Trustee Cozad seconded the motion.

Vote: All in favor, none opposed. Motion carried

Approval of Minutes for July 12, 2006

Discussion: Trustee Julie Cozad requested corrections to the July 12, 2006 minutes to include changing "he" to "she" on page one under Public Hearing paragraph two. On page three, bottom of page change to correctly read "Mayor Measner asked for a vote to deny the original motion." Delete the last sentence on page three. Top of page four, add Trustee Frank's name so that it reads "Motion by Trustee Gary Frank to....." Page five last sentence of first paragraph, change to "No one came forth to speak regarding the application."

Motion to approve the Amended Minutes of July 12, 2006 was made by Trustee Cozad and seconded by Mayor Pro Tem Lichtfuss.

Vote: All in favor, none opposed. Motion carried.

ACTION AGENDA

New Liquor License for Buffalo Spirit

Mayor Pro Tem Lichtfuss moved to approve the liquor license for the Buffalo Spirit restaurant. Trustee Tokunaga seconded the motion.

Vote: All in favor, none opposed. Motion carried.

Gray O 26-3, 26-5, 26-19 Wells Use by Special Review – Resolutions 06-17, 18, & 19

Trustee Tokunaga moved to go into an Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) at 8:26 p.m. Mayor Pro Tem Lichtfuss seconded the motion.

Trustee Wakeman excused herself from the session because of a potential conflict of interest.

Vote: All in favor, none opposed. Motion carried.

Mayor Linda Measner stated "The time is now 8:41 p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Linda Measner, Mayor Pro Tem Janie Lichtfuss, Trustees Gary Frank, Milt Tokunaga, Ted Chavez, and Julie Cozad, Town Attorney Bruce Fickel, Co-Interim Administrator, Police Chief Jim Burack, Co-Interim Administrator, Public Works Director, Mike Woodruff and Town Clerk Kari Redman-Gutierrez.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred

during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, we will continue the meeting.”

Trustee Cozad moved to continue the hearing for the approval of Resolutions 06-17, 06-18, 06-19, Gray 0 26-3, 26-5, and 26-19 wells respectively until August 9, 2006. The continuance is requested so that information can be gathered regarding gaseous emissions, compatibility with neighborhood, i.e., are they low profile tanks, and the status of agreements regarding the \$400 inspection fee for each well. Trustee Tokunaga seconded the motion.

Vote: All in favor, none opposed. Motion carried. Trustee Wakeman abstained

Stroh O 2-17 Well Use by Special Review -Resolution 06-16

Trustee Cozad moved to continue the approval of Resolution 06-16, Gray 0 2-17 well until August 9, 2006. The continuance is requested so that information can be gathered regarding gaseous emissions, compatibility with neighborhood, i.e., are they low profile tanks, and the status of agreements are made regarding the \$400 inspection fee and to pinpoint the location of the well. Trustee Tokunaga seconded the motion.

Vote: All in favor, none opposed. Motion carried. Trustee Wakeman abstained.

2005 Audit Report

Trustee Tokunga moved to accept the 2005 Audit Report but voiced concerns regarding the liability of reimbursement of impact fees and how they are addressed in the audit. Trustee Wakeman seconded the motion.

Vote: All in favor, none opposed. Motion carried.

Approval of the Design and Engineering of Highway 60 Sidewalk

Mayor Pro Tem Lichtfuss moved to approve the Contract Agreement between the Town of Milliken and Ayres Associates of \$11,400 for the design and engineering of the Highway 60 sidewalk project contingent upon approval of the contract by the Town Attorney. Seconded by Trustee Frank.

Vote: All in favor, none opposed. Motion carried.

Hall-Irwin/Lot Holding Metro District Approval

Trustee Frank moved to set August 9, 2006 as the public hearing for the Metro District concerns. There are ten in all. Mayor Pro Tem Lichtfuss seconded the motion.

Vote: All in favor, none opposed. Motion carried.

Trustee Tokunaga noted that the bid for the Sappington Park was well organized and congratulated Civil Resources on a job well done.

Adjournment

As there was no further business, Mayor Measner adjourned the meeting at 9:25 p.m.

Kari Redman-Gutierrez, Town Clerk

Approved by the Board of Trustees

Linda L. Measner, Mayor